

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 18986 of 2007(I)

PETITIONER:

DR.SELIN JOY, MERRYLAND, NEAR
CHRISTIAN COLLEGE JUNCTION,
KATTAKADA, TRIVANDRUM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

1. THE SYNDICATE OF KERALA UNIVERSITY,
TRIVANDRUM, REPRESENTED BY VICE CHANCELLOR.
2. UNIVERSITY OF KERALA, TRIVANDRUM,
REPRESENTED BY THE REGISTRAR.
3. THE MANAGER, CHRISTIAN COLLEGE,
KATTAKADA, TRIVANDRUM.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL
SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

Ext.P1 & P1(a): True copy of the Appointment Order dated 30.8.`989 and 17.10.1989.

Ext.P2: True copy of the approval of the University dated 10.10.1990.

Ext.P3: True copy of the application submitted by the petitioner before the 3rd respondent dated 14.3.2007.

Ext.P4: True copy of the reminder of the petitioner dated 24.5.2007.

Ext.P5: True copy of the complaint filed by the petitioner before the respondent 1 and 2 dated 31.5.2007.

Ext.P6: True copy of the advertisement in Kerala Kaumudi daily dated 17.5.1989.

Ext.P7: True copy of the memo No.177/89/18 dated 30.6.1989 issued by the 3rd respondent.

// True copy //

P.A. To Judge
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A.K.BASHEER, J.

W.P.(C)No.18986 OF 2007

Dated this the 30th day of July, 2007

JUDGMENT

Petitioner claims that she is entitled to get appointment as lecturer in Physics in the college under the management of respondent no.3 in an existing vacancy, by virtue of the provisions contained in Section 57(1A) (6) (b) of Kerala University Act 1974 read with Rule 23(2) of Chapter II, Part IV of the First Statute.

2. The case of the petitioner appears to be that she had worked in a short term vacancy in the college in the department of Physics in two short spells as could be seen from Ext.P1 and P1(a). Both spells of appointment were approved by the University as revealed from Ext.P2. Learned counsel for respondent no.3 submits that the claim made by the petitioner is not sustainable for reasons more than one.

3. I do not propose to deal with any of the contentions raised by the parties at this stage, since the petitioner has already moved respondent no.1 in this regard as could be seen from Ext.P5 application. The competent authority in the University has to necessarily take a decision in the matter.

Therefore, the writ petition is disposed of with a direction to respondent no.2 to consider and pass orders on Ext.P5 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. While taking a decision, respondent no.2 shall keep in view the decisions of this court in **V.V.Sathimani v. Payyannur Educational Society and others (2007(3) KHC 109)** and **State of Kerala v. Anasthasia (1997 (1) KLT 621)**. Needless to mention that respondent no.2 shall afford sufficient opportunity of hearing to the petitioner and respondent no.3 before taking a decision in the matter. Till such time a decision is taken, interim order passed by this court will remain in force.

A.K.BASHEER, JUDGE

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